

FILEDIN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

AUG 06 2019

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

UNITED STATES OF AMERICA,

v.
FREDERICK BANKS,
DEFENDANT.

15 CR 168

MOTION AND OBJECTION TO VACATE ORDER ECF 983
IN PART REGARDING "ENDS OF JUSTICE" CONTINUANCES

Defendant Frederick Banks, American Indian ("Banks") files this motion and objection to vacate ORDER ECF 983 in part regarding "Ends of Justice" Continuances and represents:

1. Counsel sought and received an order of Court extending the time for him to file his pretrial motions. Banks has no problem with that 12 day extension.
2. However since Banks has been confined for 48 months which exceeds the maximum possible sentence he must point out to the Court that none of the ends of justice continuances filed in this case under 18 USC § 3161(h)(7)(C) to include the order at ECF 983 are proper and none of that Speedy Trial Act delay is excludable under the Law of the Third Circuit. Ends of Justice Continuances may only be used for "complex conspiracy cases with multiple defendants" see United States v. Carrasquillo, 667 F.2d 382, 387 (3d Cir. 1981); United States v. Theron, 782 F.2d 1510 (10th Cir. 1986). This case contains a single defendant and there is no conspiracy charge. While there are multiple motions defendant filed almost none of them (less than a dozen) the Court has ordered a reply to. None of Banks pro se motions make this case complex and moreover this Court's dismissal of them to be reasserted by counsel was "without prejudice". The point is Carrasquillo precludes all of the Speedy Trial Act delay under "Ends of Justice" in this case. The Court should issue an order restarting the Speedy Trial Act clock. WHEREFORE, The foregoing Motion should be granted. The order of Court at 983 and all similar orders should be Annulled pursuant to Carrasquillo.

Respectfully Submitted,

Frederick Banks
2019.8.6
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Pittsburgh, PA 15219
Defendant